

DETAILED ACTION

REJECTIONS WITHDRAWN

1. There are no rejections withdrawn.

REJECTIONS REPEATED

2. The 35 USC 103 rejections set forth in the non-final rejection of 7/25/07, pages 2-4, paragraphs 4-5 are repeated for the reasons of record.

NEW REJECTIONS

3. There are no new rejections.

ANSWERS TO APPLICANT'S ARGUMENTS

4. Applicant's arguments from 12/31/07 and 1/9/08 have been carefully considered but are deemed unpersuasive.

Applicant's arguments regarding Wirth and Beuzelin in terms of the polar groups are acknowledged but no change in the rejection is needed at this time especially since the main issue is the modification of the thickness of Wirth by Gusavage applicant has argued that one of ordinary skill in the art would not have been motivated to modify the thickness of Wirth using Gusavage in order to reduce blistering because Gusavage does not disclose a relationship between thickness and reduced blistering. However, Gusavage clearly discloses the entire invention including thickness results in reduced blistering which provides proper motivation.

Applicant has argued that reducing cost is not sufficient motivation to combine Wirth and Gusavage. However, lowering costs is always a strong consideration and motivating factor when manufacturing films and as such lowering costs provides proper motivation.

Applicant has argued that reducing the thickness of Wirth would make the film floppy and unsuitable for its intended use as a packaging material or vessel. However, such thin films can easily be used for wrap packaging which is still packaging and thus the intended use is not destroyed by the modification.

Applicant has made allegations of unexpected results. However, such allegations must be made in a declaration. Moreover, applicant's allegations are not commensurate in scope with the independent claims since the independent claims do not recite the use of 100% reclaim.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is 571-272-1494. The examiner can normally be reached on 1:00-10:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael C. Miggins/
Primary Examiner, Art Unit 1794

MCM
April 14, 2008